

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael John Bui,

Case No. 20-CV-1293 (NEB/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

U.S. Attorney; Chad A. Blumenfield;
and U.S. Marshals,

Defendants.

This matter is before the Court on the application to proceed *in forma pauperis* (“IFP”) of plaintiff Michael John Bui. See ECF No. 2. Bui qualifies financially for IFP status, but his IFP application nevertheless must be denied (and this matter dismissed) because his pleading is frivolous. See 28 U.S.C. § 1915(e)(2)(B). Nothing in the complaint, which is largely incoherent, offers any basis for relief against the named defendants.¹ (In fact, much of the complaint consists of bizarre and inappropriate sexual remarks.) Without a viable claim for relief, this action should not go forward.

This is not Bui’s first frivolous lawsuit brought against the U.S. Attorney’s Office. See *Bui v. U.S. Attorney*, No. 19-CV-2785 (ECT/KMM) (D. Minn.); *Bui v. U.S. Attorney* No. 20-CV-0418 (ECT/HB) (D. Minn.); *Bui v. U.S. Attorney*, No. 20-CV-0740 (ECT/KMM) (D. Minn.). One of the few things that Bui’s complaint does make clear is that, absent

¹ This action *may* be related to an earlier denial of Bui’s appeal from the denial for lack of jurisdiction of a claim for review of a decision of the Social Security Administration. See *Bui v. Berryhill*, No. 19-CV-0839 (ECT/KMM) (D. Minn.). But there is no reason to believe from the complaint that any of the defendants acted wrongfully in any way during that proceeding.

intervention, he intends to continue filing frivolous lawsuits. See Compl. at 8 (“i will keep sue a lot of people like that until i win my lawsuit for example if this case is DISMISSED i will sue again . . .”). Although pro se litigants have a right of access to the courts, that right does not extend to the filing of frivolous or malicious pleadings. See *In re Tyler*, 839 F.2d 1290 (8th Cir. 1988). In light of Bui’s stated intention to continue filing new lawsuits regardless of whether that litigation has any merit, this Court believes it is now time to protect future defendants from Bui’s conduct. Accordingly, it is recommended that Bui be restricted from filing civil actions in the District of Minnesota unless he is represented by counsel or receives advance permission from a judicial officer of this District.

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT:

1. This action be DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. Plaintiff Michael John Bui’s application to proceed *in forma pauperis* [ECF No. 2] be DENIED.
3. Bui be restricted from filing civil actions in the District of Minnesota unless he is represented by counsel or receives advance permission from a judicial officer of this District.

Dated: June 17, 2020

s/David T. Schultz
David T. Schultz
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).